

REMARKS

Claims 1-3 and 5-15 are pending. Claims 1, 7 and 15 are the independent claims.

35 U.S.C. § 103

Claims 1-3, 5, 7-12, 14 and 15 stand rejected under § 103 as being unpatentable over CIFO (NL 7601311) in view of U.S. Patent No. 3,682,508 to Briles.

The Examiner rejected claims 6 and 13 over CIFO in view of Briles and still further in view of U.S. Patent No. 5,324,150 to Fullerton.

The CIFO and Briles Documents

The applicant and undersigned have carefully considered the Examiner's new rejection of the independent claims (claims 1, 7, 15) based upon the combination of CIFO and Briles. It is respectfully submitted that the combination of documents proposed by the Examiner does not disclose or fairly suggest applicant's invention as defined in claims 1, 7 and 15, and the claims that depend respectively therefrom. Nothing in the Fullerton document overcomes the deficiencies of the CIFO and Briles documents as described below.

The Examiner has acknowledged that the CIFO document discloses a non-rotatable fastener. In the translation supplied by the applicant, CIFO reads (emphasis added), "In order to avoid turning the clamping screw 16 as well, it has been provided with a square section adjacent to the head, whereas the opening in the effected clamping lip 14 also has a square cross-section."

There is no fair suggestion for having the screw 16 of CIFO ever be rotatable.

The Examiner cites to Briles as disclosing a fastener that is selectively rotatable against a frictional fit in its related aperture by application of torque to the head of the fastener and states that that construction shown in CIFO could be over-tightened and, as such, "It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the squared fastener-bore connection of CIFO to instead be a cylindrical interference fit as taught by Briles so that a predetermined level of torque can be reached in tightening."

As noted above, it is respectfully submitted that nothing in the CIFO documents discloses or suggests any need or motivation for a screw that is rotatable for the following reasons:

- the CIFO document, itself, teaches directly away from ever having a rotating screw;
- the CIFO document never mentions or suggests the over-tightening issue relied upon by the Examiner as the motivation for the combination;

Therefore, the applicant respectfully contends that the Examiner's proposed combination of the CIFO and Briles documents is not proper and that the only motivation for the combination comes from the applicant's disclosure and not from the prior art.

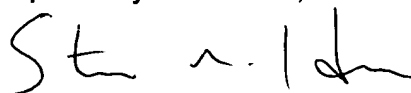
Putting aside the issue of whether the Briles document is properly combinable with the CIFO document, it is further noted that the disclosure of the Briles document is also deficient as applied by the Examiner for the following reasons:

- the Briles document teaches directly away from ever using of a tool to apply torque to the fastener head (see col. 1, lines 18-25) in order to rotate the fastener or restrain the fastener against rotation;
- the Briles document discloses a fastener, aperture, and nut combination where the fastener is intended to be non-rotatable at all times, i.e., the entire purpose of the structure disclosed in Briles is to prevent *any rotation* of the fastener during and after its installation, even if no tool is used to restrain the fastener against rotation during tightening of the nut.

Conclusion

It is respectfully submitted that all pending claims meet the statutory conditions for patentability.

Respectfully submitted,



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